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**Federal Communications Commission**

**Before the  
Federal Communications Commission  
Washington, D.C. 20554**

In the Matter of	)	
	)	
City of Detroit	)	File No.: EB-FIELDNER-14-00014452
Owner of Antenna Structure No. 1241453	)	
	)	NOV No.: V201432360013
Detroit, Michigan	)	

**NOTICE OF VIOLATION**

**Released: April 1, 2014**

By the District Director, Detroit Office, Northeast Region, Enforcement Bureau:

1. This is a Notice of Violation (Notice) issued pursuant to Section 1.89 of the Commission's rules (Rules)<sup>1</sup> to the City of Detroit, owner of antenna structure number 1241453 in Detroit, Michigan. Pursuant to Section 1.89(a) of the Rules, issuance of this Notice does not preclude the Enforcement Bureau from further action if warranted, including issuing a Notice of Apparent Liability for Forfeiture for the violations noted herein.<sup>2</sup>

2. On March 17, 2014, an agent of the Enforcement Bureau's Detroit Office inspected antenna structure number 1241453 located at 4128 Luce, Detroit, Michigan, and observed the following violation:

47 C.F.R. § 17.51(b): "All high intensity and medium intensity obstruction lighting shall be exhibited continuously unless otherwise specified."  
According to the FCC Antenna Structure Registration (ASR) for antenna structure number 1241453, the tower requires a dual lighting system with medium intensity obstruction lighting during the daytime and red obstruction lighting at nighttime as specified in FAA Circular Number 70/7460-1K, FAA Chapters 4, 8 and 12. At the time of the observation on March 17, 2014, red lights were operating continuously at a time when the medium intensity obstruction lighting should have been functioning.<sup>3</sup>

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<sup>1</sup> 47 C.F.R. § 1.89.

<sup>2</sup> 47 C.F.R. § 1.89(a).

<sup>3</sup> The FCC Antenna Structure Registration currently shows invalid information for the owner's telephone number, point of contact and email address and should be updated.

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3. Pursuant to Section 403 of the Communications Act of 1934, as amended,<sup>4</sup> and Section 1.89 of the Rules, we seek additional information concerning the violations and any remedial actions taken. Therefore, the City of Detroit must submit a written statement concerning this matter within twenty (20) days of release of this Notice. The response (i) must fully explain each violation, including all relevant surrounding facts and circumstances, (ii) must contain a statement of the specific action(s) taken to correct each violation and preclude recurrence, and (iii) must include a time line for completion of any pending corrective action(s). The response must be complete in itself and must not be abbreviated by reference to other communications or answers to other notices.<sup>5</sup> The response must describe the periodic inspection practices for the automatic alarm system and the date the system was last inspected and found to be working properly.

4. In accordance with Section 1.16 of the Rules, we direct the City of Detroit to support its response to this Notice with an affidavit or declaration under penalty of perjury, signed and dated by an authorized officer of the City of Detroit with personal knowledge of the representations provided in the City of Detroit's response, verifying the truth and accuracy of the information therein,<sup>6</sup> and confirming that all of the information requested by this Notice which is in the company's possession, custody, control, or knowledge has been produced. To knowingly and willfully make any false statement or conceal any material fact in reply to this Notice is punishable by fine or imprisonment under Title 18 of the U.S. Code.<sup>7</sup>

5. All replies and documentation sent in response to this Notice should be marked with the File No. and NOV No. specified above, and mailed to the following address:

Federal Communications Commission  
Detroit Office  
24897 Hathaway Street  
Farmington Hills, Michigan 48335

6. This Notice shall be sent to the City of Detroit at its address of record.

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<sup>4</sup> 47 U.S.C. § 403.

<sup>5</sup> 47 C.F.R. § 1.89(c).

<sup>6</sup> Section 1.16 of the Rules provides that "[a]ny document to be filed with the Federal Communications Commission and which is required by any law, rule or other regulation of the United States to be supported, evidenced, established or proved by a written sworn declaration, verification, certificate, statement, oath or affidavit by the person making the same, may be supported, evidenced, established or proved by the unsworn declaration, certification, verification, or statement in writing of such person . . . . Such declaration shall be subscribed by the declarant as true under penalty of perjury, and dated, in substantially the following form . . . : 'I declare (or certify, verify, or state) under penalty of perjury that the foregoing is true and correct. Executed on (date). (Signature)'." 47 C.F.R. § 1.16.

<sup>7</sup> 18 U.S.C. § 1001 *et seq.* See also 47 C.F.R. § 1.17.

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7. The Privacy Act of 1974<sup>8</sup> requires that we advise you that the Commission will use all relevant material information before it, including any information disclosed in your reply, to determine what, if any, enforcement action is required to ensure compliance.

FEDERAL COMMUNICATIONS COMMISSION

James A. Bridgewater  
District Director  
Detroit Office  
Northeast Region  
Enforcement Bureau

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<sup>8</sup> P.L. 93-579, 5 U.S.C. § 552a(e)(3).